

**King County Board of Health  
Secure Medicine Return  
Minutes**

**October 5, 2012**

**1:00 – 3:00 PM**

**Location:** Chinook Building, 401 Fifth Avenue, Seattle, Room 115, 1st Floor

**Present:** Chair Joe McDermott, Board of Health members David Baker, Dr. Bud Nicola, and Public Health Director Dr. David Fleming

**Absent:** Richard Conlin

**Staff:** Anne Burkland, Margaret Shield, Erik Sund, Maria Wood

**Observers:** Stan Jeppesen, Suellen Mele, Zero Waste Washington, Mike Graham-Squire, Neighborhood House, Drug Free Communities Coalition

<b>Time</b>	<b>Agenda Item</b>
1:00	Introductions – Chair McDermott
1:05	<p><u>Discussion with stakeholders</u></p> <p>Washington State Board of Pharmacy</p> <ol style="list-style-type: none"><li>1. Chris Humberson, Executive Director, Board of Pharmacy</li><li>2. Tim Fuller, Pharmacy Consultant for the Board of Pharmacy</li><li>3. Steven Saxe, Office Director, Health Professions and Facilities, Washington Dept. of Health (former Executive Director, Board of Pharmacy)</li></ol> <p>The presenters stated the Washington Dept of Health and Board of Pharmacy are interested in this issue and discussed their historical role in establishing protocols and providing oversight to take-back programs across the state since 2006. Their primary interest has been on preventing diversion of unused medications, less so on environmental impact. Stated that lack of ongoing financing is the major barrier for current take-back programs, including law enforcement agencies that are collecting controlled substances.</p> <p>Discussion included: Record keeping (simple is better, concern that DEA may require pill counting); DEA rulemaking related to controlled substances (no reliable estimate of when the rulemaking will be completed); pharmacy/pharmacist willingness to collect controlled substances if allowed by DEA rule changes (yes, if record keeping and other requirements don't add an unreasonable burden); nursing home challenges (law does not provide a legal, reasonable pathway for these types of facilities to dispose of unused medications); no known security incidences with Board of Pharmacy approved take-back programs; Board of Pharmacy guests offered to review any policy drafts that come from the subcommittee work.</p>

1:35	<p><u>BOH Legal Authority for Policy Making– Amy Eiden, PAO</u></p> <p>Ms. Eiden provided a brief overview of the Board of Health authority to create regulations which comes from Washington State law to protect the health and safety of King County residents. Three tests:</p> <ol style="list-style-type: none"> <li>1. Reasonable – must actually do what it sets out to do</li> <li>2. Not preempted – consistent with state and federal law</li> <li>3. Constitutional – cannot violate a constitutional right</li> </ol>
1:45	<p><u>Review Policy Comparison Grid – Margaret Shield</u></p> <p>Ms. Shield used the Outline for Policy Discussion handout to begin walking the subcommittee members through policy choices.</p> <p>Decisions:</p> <ol style="list-style-type: none"> <li>1. Subcommittee members agreed to use an industry-funded product stewardship framework as the basis for the policy development</li> <li>2. Chair McDermott requested staff to begin drafting a regulation and that we will work from that central document at future subcommittee meetings</li> </ol> <p>Discussion included: waiting for DEA rules to vote on whatever regulation is created, but assume the DEA will include authorization for pharmacies to take back controlled substances (subcomm members agreed to this approach); policy will need a strong definitions section; develop decision matrix for what drugs are included in or exempted from take back (consider human health impact, practicality, policy rationale and be able to articulate clearly why in or out); get a handle on how many drug producers in the U.S. market are approved to provide medicines in King County (estimates of 500+); anti-trust/indemnification as related to how drug producers work together to finance a take back system.</p>
2:50	<p><u>Next steps, agenda building for future meetings</u></p> <ul style="list-style-type: none"> <li>• October 18 meeting needs to be rescheduled due to conflicts</li> <li>• Staff will work up an initial draft rule and regulation and we will work from that document moving forward to include the topics on the Outline for Policy Discussion</li> <li>• Amy will review the antitrust issues related to product stewardship programs in preparation for future discussion</li> </ul>
3:00	<p><u>Adjourn</u></p> <p>Thanked invited stakeholders and observers for their interest and contributions to the discussion.</p> <p>Next meetings: Additional Oct meeting TBD; Nov 14, 3-5PM, Chinook Bldg 126; Dec 5, 9-11 AM, location TBD</p>